

**MONROE COUNTY, FLORIDA
DEVELOPMENT REVIEW COMMITTEE RESOLUTION NO. DRC9-09**

A RESOLUTION RECOMMENDING APPROVAL OF THE REQUEST BY W. F. MCCAIN, INC., ON BEHALF OF SIEVER'S MARINE, INC TO AMEND THE LAND USE DISTRICT DESIGNATION FROM IMPROVED SUBDIVISION (IS) TO SUBURBAN COMMERCIAL (SC) OF PROPERTY LEGALLY DESCRIBED AS BLOCK 1, LOTS 11, 12 AND 13, OCEAN ISLE ESTATES, MONROE COUNTY, FLORIDA AND HAVING REAL ESTATE NUMBERS 00538170.000000, 00538180.000000 AND 00538190.000000

WHEREAS, during a regularly scheduled public meeting held on October 19, 2009, the Development Review Committee of Monroe County conducted a review and consideration of a request by W. F. McCain, Inc., on behalf of Siever's Marine, Inc., for a land use district amendment in accordance with §102-158 of the Monroe County Code;

WHEREAS, the subject property is located at Mile Marker 106, Key Largo, Florida and is legally described as Block 1, Lots 11, 12 and 13, Ocean Isle Estates, Monroe County, Florida having real estate numbers 00538170.000000, 00538180.000000 and 00538190.000000;

WHEREAS, the Planning Commission reviewed the following documents and other information relevant to the request:

1. Staff report prepared by Kathy Grasser, Monroe County Comprehensive Planner, dated September 25, 2009;
2. BOCC Ordinance No. 2009-17a adopting the amendment of the Future Land Use Map (FLUM) from Residential Medium (RM) to Mixed Use / Commercial (MC);
3. Transmittal Resolution 2009-001 transmitting an ordinance for adoption to the Department of Community Affairs; and
4. Planning Commission Resolution No. P43-08 recommending approval to the BOCC to amend the Future Land Use Map (FLUM) from Residential Medium (RM) to Mixed Use / Commercial (MC);

WHEREAS, in the Land Use District and/or Future Land Use Map (FLUM) application to the Planning & Environmental Resources Department, received November 19, 2007, the Applicant requested to amend the Land Use District (LUD) designation from Improved Subdivision (IS) to Suburban Commercial (SC) for three (3) parcels, identified as Real Estate Numbers 00538170.000000, 00538180.000000 and 00538190.000000;

WHEREAS, based upon the information and documentation submitted, the Development Review Committee makes the following Findings of Fact and Conclusions of Law:

WHEREAS, The proposed land use district amendment is consistent with the provisions and intent Monroe County Comprehensive Plan Goals, Policies and Objectives, particularly Goals 101 and 105 and Objectives 101.4 and 105.1;

WHEREAS, the proposed land use district amendment is consistent with the provisions and intent of Chapter 102 of the Monroe County Code, Land Development Regulations particularly subsections 'new issues' and 'recognition of a need for additional detail or comprehensiveness;'

WHEREAS, the proposed land use district amendment is consistent with three (3) of the ten (10) goals in the Key Largo Livable CommuniKeys Plan, particularly with Goals 1, 6 and 10;

WHEREAS, the proposed land use district amendment is found to be consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern pursuant to F.S. Chapter 380.0552(7);

WHEREAS, the proposed land use district (LUD) amendment from Improved Subdivision (IS) to Suburban Commercial (SC) does not constitute an adverse change in community character;

WHEREAS, the proposed land use district (LUD) amendment is compatible with the local use;

WHEREAS, effects on natural resources are not anticipated;

WHEREAS, the proposed land use district (LUD) amendment will not affect Objective 101.11 and will encourage development to remain on disturbed lands rather than encroaching on environmentally sensitive area;

WHEREAS, the proposed land use district (LUD) amendment may affect solid waste, but not significantly;

WHEREAS, if or when the parcels are developed, potable water levels may be affected, but not significantly;

WHEREAS, if or when the parcels are developed, stormwater runoff will result from this land use map (LUD) amendment;

WHEREAS, Tier III is appropriate for infill development because of the location and amount of existing development in the areas designated and the absence of significant upland native habitat patches;

WHEREAS, during a regularly scheduled public meeting held on June 2, 2009, the BOCC adopted Ordinance 2009-17a amending the Future Land Use District Map from Residential Medium (RM) to Mixed Use / Commercial (MC) in accordance with Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan and §102-158 of the Monroe County Code;

WHEREAS, during a regularly scheduled public meeting held on January 26, 2009, the BOCC approved Resolution 001-2009 transmitting an ordinance for adoption to the DCA. There were no objections, recommendations or comments from the DCA on the proposed FLUM amendment;

WHEREAS, during a regularly scheduled public meeting held on November 18, 2009, the Planning Commission conducted a review and consideration and approved Resolution P43-08 recommending approval to the BOCC to amend the Future Land Use Map from Residential Medium (RM) to Mixed Use / Commercial (MC) in accordance with Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan and §102-158 of the Monroe County Code; and

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, that the information provided in the September 25, 2009 staff report and discussed at the October 19, 2009 meeting supports the decision to **RECOMMEND APPROVAL** to the Monroe County Planning Commission of the request by W. F. McCain, Inc., on behalf of Sievers Marine, Inc., to amend the land use district from Improved Subdivision (IS) to Suburban Commercial (SC).

Date: _____

Townsley Schwab
Sr. Director of Planning and Environmental Resources &
Chair of the Development Review Committee

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared Townsley Schwab, to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

NOTARY PUBLIC, STATE OF FLORIDA